

Remarks/Arguments

1. Introduction

Applicants note that on page 2 of the Office action, under the heading "Claim Rejections – 35 USC § 103" it is stated "[c]aims 1-18, 12-17 and 49 are rejected...." Furthermore, Applicants note on page 7 of the Office action, under the heading "Claim Objections" it is stated "[c]laims 18-20, 50 and 51 are objected to...would be allowable...." Please note that claim 18 is allegedly rejected to under 35 USC § 103 and allegedly indicated as Allowable. To that end, in a phone conversation with Examiner Michelle Estrada on 27 February 2006, Examiner Estrada stated that this was a typographical error and that claim 18 should not be rejected to under 35 USC § 103. As a result, Applicants feel it necessary to clarify the record to indicate that claim 18 is Allowable.

2. Allowable Subject Matter

Applicant notes with appreciation the finding of allowable subject matter recited in claims 18-20, 50 and 51. To that end, Applicants have added claim 52 which is a combination of claims 1 and 18; added claim 54 which is a combination of claims 1 and 20; and added claim 55 that is a combination of claims 1, 49, 50, and 51. As a result, Applicants respectfully contend that new claims 52, 54, and 55 define an invention suitable for patent protection. Applicant chooses, however, to proceed with prosecution of the remaining claims.

3. Rejections under 35 USC § 103(a)

In the Office action, claim 1 was rejected pursuant to 35 USC section 103(a) as allegedly being unpatentable by United States patent application publication 2004/0124566 to Sreenivasan et al. in view of United States patent 6,503,829 to Kim et al.

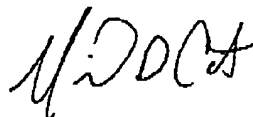
Pursuant to MPEP 716.10, when subject matter, disclosed but not claimed in a first patent application filed by a set of inventors, is claimed in a later second

application filed by a subset of the inventors, the first patent application is a valid reference available as prior art under 35 U.S.C. §102(e) unless overcome by affidavit or declaration filed under 37 CFR 1.132 stating the subset of inventors conceived or invented the subject matter disclosed in the first patent application. To that end, the present application names Michael P.C. Watts as a co-inventor. Also, Applicants submit a declaration of Michael P.C. Watts attached as EXHIBIT A. Specifically, the attached declaration states that Michael P.C. Watts was part of the inventive entity/invented the subject matter of United States patent application publication 2004/0124566. Thus, Applicants respectfully submit that United States patent application publication 2004/0124566 does not qualify as prior art pursuant to 35 U.S.C. § 103. Therefore, Applicants respectfully contend that the pending claims define an invention suitable for patent protection in view of United States patent application publication 2004/0124566.

Applicants respectfully request examination in view of the remarks. A notice of allowance is earnestly solicited.

<p>CERTIFICATE OF TRANSMISSION/MAILING</p> <p>I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents.</p> <p>Signed: <u>Katrina E. Prati</u></p> <p>Typed Name: Katrina E. Prati</p> <p>Date: <u>3/26/06</u></p>
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Respectfully Submitted,



Michael D. Carter
Reg. No. 56,661
Legal Department
Molecular Imprints, Inc.
P.O. Box 81536
Austin, Texas 78708-1536
Telephone: 512-339-7760
Facsimile: 512-491-8918